

Eric F. Fagan, #87071
 Efagan@efaganlaw.com
 Law Offices of Eric F. Fagan
 2220 Otay Lakes Rd. #502-84
 Chula Vista, CA 91915
 Phone 619-656-6656
 efagan@efaganlaw.com
 Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARYLYN ALEXANDER and
 CATHERINE ALEXANDER

Plaintiffs

v.

WINN & SIMS, a professional corporation;
 BRIAN WINN, an individual; CAPITAL
 ONE, a corporation; and DOES 1 through 10
 inclusive,

Defendants

Civil Case No.: C06-04382 MMC

PLAINTIFF'S *EX PARTE*
APPLICATION AND PROPOSED
ORDER TO CONTINUE CASE
MANAGEMENT DATES

Plaintiff hereby applies to this court *ex parte* to continue the Case Management Dates in the above-entitled case. The complaint in this action was filed on July 18, 2006 against Defendants WINN & SIMS and BRIAN WINN. On October 10, 2006, an amended complaint was filed and added CAPITAL ONE as a defendant.

The claims against Defendants WINN & SIMS and BRIAN WINN have been settled. An amended summons was issued for Defendant CAPITAL ONE. The amended summons was served today on CAPITAL ONE. Attached as Exhibit 1 is a record of the attempts to serve CAPITAL ONE earlier.

1 However, Defendant CAPITAL ONE is yet to answer.

2 Thus, it would be premature to conduct a Case Management Conference before the only existing
3 Defendant has appeared.

4 Plaintiff, therefore, requests that the Case Management Dates be continued approximately two
5 months. Plaintiff requests the following dates:

6
7 **May 11, 2007** – last day to meet and confer re: initial disclosures, early settlement, ADR process
8 selection, and discovery plan; file ADR Certification signed by Parties and Counsel; and file either
9 stipulation to ADR Process or Notice of Need for ADR Phone conference

10 **May 25, 2007** – last day to complete initial disclosures or state objection in Rule 26(f) Report,
11 file Case Management Statement, and file Rule 26(f) Report

12 **June 8, 2007** – Initial Case Management Conference (CMC) in Courtroom 7, 19th Floor at
13 10:30 a.m.

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15 Dated 3/6/2007

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18 Eric F. Fagan, Attorney for Plaintiff
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~~PROPOSED~~ ORDER

IT IS HEREBY ORDERED that the Case Management Dates in the above-entitled case be continued to the following days and times:

May 11, 2007 – last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file ADR Certification signed by Parties and Counsel; and file either stipulation to ADR Process or Notice of Need for ADR Phone conference

May 25, 2007 – last day to complete initial disclosures or state objection in Rule 26(f) Report, file Case Management Statement, and file Rule 26(f) Report

June 8, 2007 – Initial Case Management Conference (CMC) in Courtroom 7, 19th Floor at 10:30 a.m.

Dated 3/6/2007


UNITED STATES DISTRICT JUDGE

